

U.S. Patent Application Serial No. 09/926,064
Amendment dated October 2, 2003
Reply to OA of September 24, 2003

REMARKS

Claims 1-14 are pending in this application. Amendments are proposed herein canceling claims 3 and 13 and amending claims 1, 6, 7, 8, 9, 10 and 12. Upon entry of these amendments, claims 1, 2, 4-12 and 14 will be pending.

In the Advisory action dated August 13, 2003, the Examiner indicated that the Amendment proposed in the Response of June 23, 2003, did not place the application in condition for allowance, but that "Claims rewritten in the scope of the unexpected data are allowable." In the previous Advisory action dated May 5, 2003, the Examiner stated that "The unexpected data provided is for a couple of pesticides (herbicides, insecticides, fungicides). ...Claims rewritten in the scope of the unexpected data are allowable."

Applicants therefore here propose amendments to the claims replacing the term "pesticide" or "pesticides" in the claims to -benomyl or bialaphos-. Applicants submit that these amendments are fully supported by the specification and that unexpected results are clearly demonstrated in the present specification for benomyl or bialaphos in combination with salts of general formula (I). Test Examples 1, 2, 3, 4 and 6 on pages 16 to 21 and 22-23 of the specification provide data regarding the unexpected results with use of benomyl. Test Example 5 on pages 21-22 demonstrates the unexpected results with use of bialaphos.

Reconsideration of the rejection is respectfully requested in view of these amendments.


U.S. Patent Application Serial No. 09/926,064
Amendment dated October 2, 2003
Reply to OA of September 24, 2003

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP


Daniel A. Geselowitz, Ph.D.
Agent for Applicants
Reg. No. 42,573

DAG/plb
Atty. Docket No. 011047
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE